

### REMARKS

Claims 1-26 are pending in the application. Claims 1-26 are subject to a restriction requirement, in which claims 1-20 are stated to be directed toward Invention I (a surgical clip, classified in 606/157) and claims 21-26 are stated to be directed toward Invention II (method of applying a surgical clip, classified in 606/151). Claims 1-20 have been elected, with traverse for the following reasons.

The Examiner states restriction is proper because the inventions are independent or distinction and there would be a serious search burden and examination burden if restriction were not required because of one or more of several reasons, which are listed. However, the examiner's own actions indicate that nothing has changed in the case to cause restriction at this time and that no serious burden actually exists in keeping the claims together.

First, the examiner has already searched the claims, having previously issued an office action on the merits. The claims have not been amended since filing. Thus, the claim scope has not been amended to cause a new search to become necessary.

Second, the class and subclasses that the Examiner indicates will need to be searched have already been searched. The Examiner's search strategy and search notes of Dec. 12 and 27, 2007 indicates that both **606/151 and 606/157 were already searched with respect to the claims already of record.**

In view of the foregoing, there is no serious burden in keeping all claims together in the case.

It is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David S. Jacobson', written over a horizontal line.

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